

Decision no. 42, dated 19.09.2023

(V-42/23)

Constitutional Court of the Republic of Albania composed of: Holta Zaçaj, President, Marsida Xhaferllari, Fiona Papajorgji, Elsa Toska, Sonila Bejtja, Sandër Beci, Genti Ibrahimi, Marjana Semini, Ilir Toska, members, with court secretary Belma Lleshi, on 19.09.2023, took under examination in plenary session on the basis of submitted documents, the case no. 12 (A) 2023 of the Basic Court Register, pertaining to:

**APPLICANT: ALEKS LICI,
 LEFTERIA LICI**

**INTERESTED SUBJECT:
 TELEMAH RAJDHO**

**OBJECT: Repeal of decision no. 00-2022-959, dated 06 June 2022, of the Civil College of the Supreme Court, as incompatible with the Constitution of the Republic of Albania.
 Remanding of the case to the Supreme Court for retrial by a different bench.**

LEGAL BASIS: Articles 3, 4, 5, 7, 15, 17, 33, 42, 43, 116, 122, 124, 131, point 1, letter “f”, 134, points 1, letter “i” and 2, 135, 142 and 145 of the Constitution of the Republic of Albania (*The Constitution*); articles 1, 6 and 13 of the European Convention on Human Rights (*ECHR*); articles 49, point 3, letter “e”, 71 and 71/a of law no. 8577, dated 10 February 2000 "On the organization and functioning of the Constitutional Court of the Republic of Albania", (*law no. 8577/2000*), amended.

Constitutional Court of the Republic of Albania, in pursuance of articles 131, point 1, letter “f” and 134, point 1, letter “i” of the Constitution, as well as articles 71 and 72 of Law no. 8577, dated 10 February 2000 “On the organization and functioning of the Constitutional Court of the Republic of Albania”, amended, unanimously,

DECIDED:

1. Rejection of the application.

This decision is final and enters into force on the day of its publication in the Official Gazette.